

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

| | | | |
|---------------------------------|---|--------------------|--------------------------------|
| UNITED STATES OF AMERICA |) | Criminal No. | 3:22-CR- 0082 (TJM) |
| |) | | |
| v. |) | Indictment | |
| |) | | |
| EJEMBI ONAH, |) | Violations: | 18 U.S.C. § 1343 |
| |) | | [Wire Fraud] |
| |) | | 18 U.S.C. § 1957 |
| |) | | [Monetary Transactions] |
| |) | | |
| |) | 5 Counts | |
| |) | | |
| Defendant. |) | County of Offense: | Tompkins |

THE GRAND JURY CHARGES:

COUNTS 1-2
[Wire Fraud]

1. Between in or about June 2020 and in or about March 2021, in Tompkins County in the Northern District of New York, and elsewhere, the defendant, **EJEMBI ONAH**, devised and intended to devise a scheme and artifice to defraud financial institutions and the U.S. Small Business Administration, and to obtain money by means of materially false and fraudulent pretenses, representations, and material omissions, by knowingly submitting false applications for Paycheck Protection Program (“PPP”) loans.

2. For the purpose of executing such scheme and artifice, **EJEMBI ONAH**, on or about the dates listed below, knowingly caused to be transmitted by means of wire communication in interstate and foreign commerce the following signs, signals, and sounds, that is, wire transfers of funds, each transmission constituting a separate count:

| Count | Date | Amount of Wire Transfer | Originating Bank and Location | Terminating Bank and Location |
|-------|---------|-------------------------|-------------------------------|-------------------------------|
| 1 | 7/1/20 | \$72,000.00 | First Home Bank (Florida) | HSBC (New York) |
| 2 | 7/20/20 | \$72,083.32 | Fundbox (California) | HSBC (New York) |

All in violation of 18 U.S.C. § 1343.

COUNTS 3-5

[Engaging in Monetary Transactions in Property Derived From Specified Unlawful Activity]

3. On or about the dates set forth below, in Tompkins County in the Northern District of New York, and elsewhere, the defendant, **EJEMBI ONAH**, did knowingly engage in monetary transactions, in and affecting interstate commerce, in criminally derived property of a value greater than \$10,000, as described below, which property was derived from specified unlawful activity, specifically, wire fraud, in violation of 18 U.S.C. § 1343:

| Count | Date | Monetary Transaction |
|-------|---------|---|
| 3 | 7/1/20 | Check #102 in the amount of \$10,926 from an HSBC account held by Advance Nanofocus, Inc. ending in 2273 to a property management company |
| 4 | 7/21/20 | Wire transfer in the amount of \$11,000 from an HSBC account held by Advance Nanofocus, Inc. to Company-1 |
| 5 | 7/21/20 | Wire transfer in the amount of \$70,000 from an HSBC account held by Advance Nanofocus, Inc. to Company-2 |

All in violation of 18 U.S.C. § 1957.

FORFEITURE ALLEGATIONS

First Forfeiture Allegation

As a result of committing the offenses alleged in Counts 1-2, which are re-alleged and incorporated by reference as if fully set forth here, defendant **EJEMBI ONAH** shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all right, title and interest in any property, real or personal, relative to the offenses of conviction, which constitutes

or is derived from proceeds directly or indirectly traceable to a violation of 18 U.S.C. § 1343 (wire fraud).

The intent of the United States of America to forfeit such property includes but is not limited to: a money judgment in the amount of \$72,000 (Count 1) and \$72,083.32 (Count 2).

Second Forfeiture Allegation

As a result of committing the offenses alleged in Counts 3-5, which are re-alleged and incorporated by reference as if fully set forth here, defendant **EJEMBI ONAH** shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(1), all right, title and interest in any property, real or personal, involved in the knowing commission of the offenses of conviction, which constitutes or is derived from proceeds directly or indirectly traceable to a violation of 18 U.S.C. § 1957 (transactions in criminally derived property).

The intent of the United States of America to forfeit such property includes, but is not limited to: a money judgment in the amount: \$10,926 (Count 3); \$11,000 (Count 4); and \$70,000 (Count 5).

Substitute Assets

If any of the property described above, as a result of any act or omission of the defendant (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c).

Dated: March 18, 2022

A TRUE BILL,


Grand Jury Foreperson

CARLA B. FREEDMAN
United States Attorney

By:


Michael D. Gadarian / Joshua R. Rosenthal
Assistant United States Attorneys
Bar Roll Nos. 517198 / 700730